

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

IN RE:)	
)	
KELVIN EUGENE WHITE)	Case No. 18-34030-KRH
)	Chapter 13
Debtor)	

KELVIN EUGENE WHITE)	
)	
Plaintiff)	

v.)	APN: 19-_____
)	

HOWARD DOUGLAS)	
12392 Caledon Road)	
King George, VA 22485)	

and)	
)	

ROBERT W. ACKERMAN, TRUSTEE)	
319 William Street)	
Fredericksburg, VA 22401)	

Defendants)	
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COMPLAINT TO DETERMINE THE VALIDITY, PRIORITY OR EXTENT OF LIENS

COMES NOW, the Plaintiff, by counsel and respectfully represents unto the Court the following:

1. The jurisdiction of this Court is founded upon 11 U.S.C. § 1322 and Rule 7001 of the Federal Rules of Bankruptcy Procedure.
2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
3. The Plaintiff is the Debtor in the above captioned Chapter 13 case, which case was filed on August 8, 2018.

4. The estate of the Plaintiff includes an interest in real estate known as 7121 Belle Drive, King George, VA, more particularly described as:

ALL that certain lot, piece or parcel of land, with improvements thereon, lying and being in Rappahannock Magisterial District, King George County, Virginia, containing 1.0327 acres, more or less, and being more particularly described on a house location survey by H. Aubrey Hawkins & Associates, LTD land surveyor on the property of John W. Burnett and Edith E. Burnett.

(“Property”).

5. There is a recorded first deed of trust against the Property by Cascade Funding Mortgage Trust 2017-1 (“Cascade”), which at the time of the filing of this case had an approximate balance of \$389,519.00, and which deed of trust is dated December 16, 2005 and is recorded in the Clerk’s Office of the King George County Circuit Court in Deed Book 572 at Page 183 (“First Deed of Trust”).

6. Howard Douglas has recorded a second deed of trust dated February 19, 2008 against the Property that secures its promissory note, which at the time of the filing of this case had an approximate balance of \$155,000.00, and which deed of trust was recorded in the Clerk’s Office of the King George County Circuit Court on April 29, 2008 as Instrument No. 20080429000025630 (“Second Deed of Trust”).

7. Robert W. Ackerman, Trustee is the named Trustee in the Second Deed of Trust and is a necessary party to this action.

8. Upon information and belief, the value of the Property is \$388,850.00 which is less than the payoff of the promissory note secured by First Deed of Trust. A copy of a market analysis of the Property is attached hereto as Exhibit “A”.

9. Based upon the value of the Property and the balance of the note secured by the First Deed of Trust, the Second Deed of Trust on the Property is fully unsecured.

WHEREFORE, the Plaintiff respectfully requests that the Court enter an Order declaring that Howard Douglas' note secured by the Second Deed of Trust is fully unsecured, that the Plaintiff be permitted to treat VHDA's allowed claim with respect to the Second Deed of Trust as unsecured in his Chapter 13 Plan, that the Second Deed of Trust be released against the Property, and for such other relief as the Court may deem appropriate.

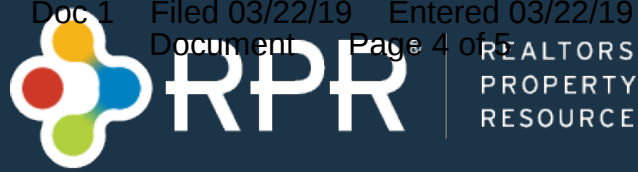
Dated: March 22, 2019

Respectfully Submitted,

KELVIN EUGENE WHITE

By: /s/ James E. Kane

James E. Kane (VSB #30081)
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Counsel for Plaintiff



SELLER'S REPORT

EXHIBIT A

7120 Belle Dr, King George, VA 22485



Presented by
Gena Hill
REALTOR®



Work: (540) 663-2000 x508 | Mobile: (540) 226-3669 |
Office: (540) 663-2000 | Fax: (540) 663-0385

Main: gena.hill@century21.com
Office: genahillhomes4u.com

Century 21 Battlefield Real Estate, Inc.
15521 Real Estate Ave
King George, VA 22485



7120 Belle Dr, King George, VA 22485



Legend: 🏠 Subject Property

OFF MARKET

• Sold Date: 1/10/2005
• Public Record

Current Estimated Value

\$387,340

Last RVM® Update: 8/14/2018

RVM® Est. Range: \$344,733 – \$429,947

RVM® Confidence: ★★★★★☆

📉 RVM® Change - Last 1 Month: -\$510

📈 RVM® Change - Last 12 Months: 10.81%

Your Comp Analysis

\$388,850

Last Edited: 9/12/2018

\$98 Price per Sq. Ft.

Your Comp Analysis Range

\$317,041 – \$441,889

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